

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

No. 1:07-cr-67
1:07-cr-86

-v-

ROBERT MOSHER,
Defendant.

HONORABLE PAUL L. MALONEY

ORDER

Defendant Robert Mosher submitted a letter to the Clerk of the Court requesting copies of the original indictments and judgments in the two criminal cases.¹ In response, the clerk informed Defendant of the number of pages requested, the total cost for the documents, and informed Defendant that the requested copies required prepayment. Defendant has submitted another letter to the clerk, again requesting the same documents. This second letter has been docketed as a motion in Defendant's two criminal cases.²

Based on the reasons Defendant has outlined in his letter, he is not entitled to copies of the requested documents without prior payment. The document submitted is in the form of a letter, rather than a pleading or motion. The document is addressed to the Clerk of the Court, rather than the court, and makes a request that has already been rejected. There are no pending motions or appeals in either criminal case. Defendant neglected to sign the letter. Finally, the authority Defendant relies upon is misplaced. Defendant has not made a request under the Freedom of

¹The letter has been entered in the docket sheet in each of Defendant's criminal cases.

²In case 1:07-cr-67, the letter is entered as Dkt. No. 94. In case 1:07-cr-86, the letter is entered as Dkt. No. 71.

Information Act and therefore 28 C.F.R. § 16.11 does not apply. Similarly, 5 U.S.C. § 552(a) does not apply. Under this statute, the district court does not constitute an “agency.” 5 U.S.C. § 551(1)(B).

Defendant’s motions (Dkt. No. 94 in case No. 1:07-cr-67 and Dkt. No. 71 in case No. 1:07-cr-86) are **DENIED WITHOUT PREJUDICE. IT IS SO ORDERED.**

Date: November 17, 2009

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge